

REMARKS

This application was filed with 25 claims. Claims 1-14 were previously canceled, claim 25 previously amended, and claim 26 previously added. Herein, Applicant amends claims 15, 25, 26 and adds claim 27. Claims 17-24 are withdrawn from consideration in response to a Restriction Requirement. Claims 15, 16, 25, and 26 are rejected. Thus, claims 15, 16, and 25-27 are currently pending.

Amendment to the Title

The Examiner stated that the title of the invention is not descriptive. Applicant provides a new title that is clearly indicative of the invention. Applicant respectfully requests that the Examiner reconsider the new title.

Amendments to the Specification

The Examiner objected to the disclosure because it contains an embedded hyperlink or other form of browser-executable code. Applicant has amended the specification to correct a typographical error and delete the embedded hyperlink. Applicant respectfully requests that the objection be reconsidered and withdrawn.

Amendments to the Claims

Applicant has amended claims 15, 25, and 26. Support for the amendments is found in the specification, for example on pages 13-15. No new matter has been added by the amendments. Applicant has added new claim 27. Support for the new claim is found in the specification, for example on pages 2-5, and 9. No new matter has been added by the amendment. Applicant respectfully requests reconsideration of the amended and added claims.

Claim Rejections – §101

Claims 15, 16, 25, and 26 were rejected under 35 U.S.C. 101, as allegedly being directed to non-statutory subject matter. Applicant has amended claim 15, the independent claim, for clarification. Applicant believes the amendment to the claim makes the rejections moot.

As cited by the Examiner, pursuant to M.P.E.P. § 2106,

“Another statutory process is one that requires the measurements of physical objects or activities to be transformed outside of the computer into computer data [citations omitted], where the data comprises signals corresponding to physical objects or activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representation of the physical objects or activities.”

Following the above-referenced text are examples of statutory processes. M.P.E.P. §2106(IV)(B)(2)(b)(i). Perhaps the most analogous example is the one regarding a method of using a computer processor for CAT scan analysis. Regarding that example, the M.P.E.P. states that “the transformation occurs when the condition of the human body is measured with x-rays and the x-rays are converted into electrical digital signals that represent the condition of the human body.” Similarly, in the present invention, a plurality of sequence reads, which are clearly measured values of physical phenomena, are provided to a computer. Accordingly, Applicant respectfully requests that the rejections be reconsidered and withdrawn.

Claim Rejections – §112, second paragraph

Claim 25 was rejected under 35 U.S.C. 112 as allegedly being indefinite. Applicant has amended claim 25 for clarification, pursuant to the recommendation of the Examiner. Applicant believes that amended claim 25 makes the rejection moot. Applicant respectfully requests that the rejection be reconsidered and withdrawn.

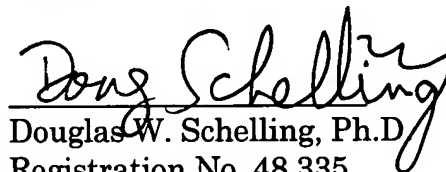
Claim Rejections – §102

Claims 15, 16, 25, and 26 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Gong et al. Disclosed in Gong et al. is assigning the cDNA clones by hybridizing each of the 7 cosmids to the cDNA grids (col. 8, lines 8-10) or using cDNA walking or using RT-PCR products (col. 8, lines 13-14). The Examiner can not rely upon col. 8, lines 25-28, a general statement that the cDNAs were assembled into 13 groups, to mean that all unassembled sequence reads and newly created assemblies were categorized and matched, as stated in amended claim 15. Amended claim 15 requires providing a plurality of sequence reads into a computer and categorizing those sequence reads. Amended claim 15 also requires matching sequence reads within each sub-group, repeating the specified steps and providing the assembled sequence to the user. Applicant believes that Gong et al. does not anticipate all of the limitations of amended claim 15, the independent claim from which the remainder of the pending claims depend. Applicant believes that amended claim 15 makes the rejections moot. Thus, Applicant respectfully requests that the rejections be reconsidered and withdrawn.

Applicant has commented on some of the distinctions between the cited reference and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against the reference.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Preliminary Amendment to Deposit Account 23-0035.

Respectfully submitted,



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